

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Civil Case No. 10-12155
Criminal Case No. 06-20664

FIKRI S. MAMDOUH,

Defendant.

ORDER LIFTING STAY

On September 20, 2010, the court entered an order construing Defendant Fikri S. Mamdouh's "Petition for a Writ of Habeas Corpus" and "Motion to Set Aside Conviction," each of which sought relief under 28 U.S.C. § 2255, 28 U.S.C. § 2241, and 28 U.S.C. § 1651, as being properly brought only as a § 2255 motion to set aside his conviction on his criminal docket. Therefore, the court denied both the motion and the petition, directed Defendant to file his arguments as a § 2255 motion on his criminal docket, and sua sponte implemented a stay of removal in the criminal case. In a separate order on the criminal docket, the court set a briefing schedule in which it directed Defendant to file his motion by October 4, 2010. Defendant failed to file that motion.

Defendant's counsel instead advised the court's case manager after the October 4 deadline that Defendant did not intend to pursue § 2255 relief. At the court's request that Defendant document that intention on the docket, Defendant filed, on October 13, 2010, a notice declining to file the motion to set aside his conviction. Accordingly,

IT IS ORDERED that the stay of removal, implemented on June 10, 2010 in civil case number 10-12155 [Dkt. # 3] and sua sponte on September 20, 2010 in criminal case number 06-20664 [Dkt. # 78], is LIFTED. Any removal action by the Government may now proceed.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: October 21, 2010

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, October 21, 2010, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522